1949. **File No.** Special Tribunal II/49 (N)

Legal Deptt.

B **BRANCH**

Subject:— Notifications under the Bombay Special Tribunal Act 1946

P 1E

File No. Special Tribunal II/49 (N)

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[illegible] of the B.L.A.

By section 3 of the Ordinance No.XXIX of 1943, under which the Tribunal was originally constituted, it was provided that the Trib may, if it is satified that it will tend to the general convence o parties or withnesses in any particular cases sit for the trial of in a place other than the place specified for it. By section 3(2) of the Bombay Act XXI of 1946 it was enacted that all previsions the Ordinance, except sections 1 and 3 and sub-section(1) of sect 3, shall continue in force and so far as maybe apply in relation the Tribunal. Sub-section(3) then went on to provide that the Tr nal shall sit at Bombay, provided that the provincial Government direct that the Tribunal shall sit at any other place in the pro of Bombay. Before the Indian Indepdence (Speical Tribunals) Ord 1948, came to be enacted it as therefore not permissible to the Tribunal at any place outside Bombay even for trial and the heari of a withness on the ground of convenience unless, of course, t Provincial Government gave a direction for that purpose. The effect of the Indian Indepdence(Special Tribunals) Order, 1947, considered inthe Advocate General's opinion No. 21 dated the 13t April 1948 and it was held therein that the Tribunal has jurisd to try certain matters by reason of its constitution and contin under Bombay Act XXI of 1946, whereas it can try other matters, reason of authority derived from the original Ordinance. It i presumed that the present case is being tried in accordance wit authority given by by the Bombay Act XXI of 1946. If that be it would be safer not to rely upon the previsions of the Indian Indepdence(- Independence(Special Tribunals) order, 1947, In cidentally the Tribunal while referring to sub-section(2) of s 3 of the Order omitted to take notice of the second previso to that sub-section which is in the same terms as the previso to section 3 of the Ordinance . However, as stated above, instea of relying upon that second previso to sub-section(2) of secti of the Order, it would be safer to give a direction under the previso to section 3(3) of Bombay Act XXI of 1946. It is unne in such direction to refer to the previsions of the Indian Inde (Special Tribunals) Order, 1947 ;

for, under that Order the Tribunal itself has the power, as explained above, by reason of the second proviso to sub-section(2)of section 3. A revised draft is accordingly sent herewith.

Sd/-
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Remembrancer of Legal Affairs,

U.R. to H.D. No. 3545 dated the 1st April 1949.

M.R.D.
4-4-49
C.A

No. 668/5
Home Department,
Bombay Castle, April 1949.

NOTIFICATION.

Bombay Special Tribunal (Continuance) Act, 1946 (Bom. XXI of 1946.)

In exercise of the powers conferred by the proviso to sub-section (3) of section 8 of the Bombay Special Tribunal (Continuance) Act, 1946, (Bom. XXI of 1946), the Government of Bombay is pleased to direct that the Tribunal shall sit at Badlapur in the Thana District for the purpose of examining Mr. G.L. Oza as a witness.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

H.R.D.
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G.4

4/4/1916